

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Exvaier OTIS

Case: 2:21-mj-30435

Assigned To : Unassigned

Assign. Date : 9/14/2021

Case No.

Description: RE: EXVAIER OTIS
(EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 13, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 111(a)(1) and (b)

Assaulting a federal officer

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: September 14, 2021City and state: Detroit, Michigan*Complainant's signature*Special Agent Kenton Weston - ATF*Printed name and title**Judge's signature*Honorable David R. Grand, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF AN CRIMINAL COMPLAINT

I, Kenton Weston, being first duly sworn, hereby state:

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since January 2018. I am currently assigned to the Detroit Field Division, Crime Gun Enforcement Team (CGET) where I am tasked with investigating violations of federal firearms laws. I have been involved in dozens of investigations involving violations of federal firearms laws, which have resulted in the seizure of hundreds of firearms. In addition, I graduated from the Federal Law Enforcement Training Center, and ATF Special Agent Basic Training.

2. I make this affidavit from personal knowledge based on my participation in this investigation, from witness interviews conducted by myself and/or other law enforcement agents, reports from other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. The information in this affidavit is for the limited purpose of establishing probable cause and does not contain all details or all facts relating to this investigation.

4. I am currently investigating Exvaier OTIS, date of birth xx/xx/2002, for violating 18 U.S.C. § 111(a)(1) and (b), assaulting a federal officer.

PROBABLE CAUSE

5. On September 13, 2021 at approximately 8:10 am, ATF Special Agents and ATF Task Force Officers (TFO) executed a sealed federal search warrant at a residence located in the Eastern District of Michigan. As agents and officers approached the residence, TFO Don Clark positioned himself to cover the rear perimeter. Shortly after agents knocked and announced their presence at the front of the home, TFO Clark heard a rustling sound coming from the second floor northeast window, located in the back of the home. At this juncture, TFO Clark was approximately ten feet away from the home, wearing tactical gear including a ballistic vest with placards that read "POLICE". TFO Clark looked at this window and saw a muscular forearm with black skin positioned out of this rear upstairs window. Given the size of the arm and

its muscularity, TFO Clark believed it belonged to a man. TFO Clark saw that the hand attached to this forearm was holding an all-black Glock model firearm in a manner with fingers clutching the grip with access to the trigger in a standard shooting position, also referred to as a shooter's grip. When TFO Clark first saw the firearm, it was pointed down. Shortly thereafter, the arm moved and the firearm raised up to point at TFO Clark, as if to acquire a target. TFO Clark positioned himself to assess the threat and loudly exclaimed "GUN" to other agents and officers, warning the entry team that there was a person with a gun in the back window of the home. The muscular black forearm immediately retracted the firearm back into the home.

6. Upon making entry into the residence, agents encountered three females and OTIS who is a black male, approximately six feet, three inches tall, weighs approximately 190 pounds, and was wearing a T-shirt that displayed his forearms.

7. Once the residence was secured, agents determined that the window from which TFO Clark had seen the muscular black forearm holding a black Glock model firearm was the second floor northeast bedroom.

8. While searching the same bedroom, agents recovered a black Glock 41 Gen 4 .45 caliber pistol bearing serial number “AFLX104”. The firearm was loaded with thirteen live rounds of ammunition in the thirteen round magazine that was inserted into the firearm. The firearm was located on the attic access ledge at the top of the closet of the second floor northeast bedroom.

9. All four occupants of the home, including OTIS, indicated that the second floor northeast bedroom was OTIS’s bedroom. Additionally, agents found OTIS’ cellular device, wallet, and his clothing, as well as mail addressed to OTIS in this bedroom.

10. OTIS made post Miranda statements that he had previously received the recovered Glock 41 Gen 4 from a “friend”.

CONCLUSION

11. Probable cause exists that 18 U.S.C. § 111(a)(1) and (b), assaulting a federal officer.

Respectfully submitted,



Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

Dated: September 14, 2021